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July 13, 2025

MEMO ENDORSED

Via Electronic Filing

United States District Judge
Hon. Valerie E. Caproni
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/14/25

RE: Johnson v. J&N Construction Group Corp., et al.
Docket No.: 1:24-cv-07857

Dear Judge Caproni,

I represent Plaintiff in the referenced matter. Plaintiff respectfully requests the Court to Order the following:

- i.) Defendant J&N Construction Group Corp. (“J&N”) to submit supplemental discovery responses and unredacted documents by or before July 21, 2025;
- ii.) Defendant J&N’s counsel (“defense counsel”), to inform Plaintiff’s counsel by or before July 18, 2025, if they will facilitate the appearance of George Tsolas, Sukwinder Kumar and Surinder Singh (the “Witnesses”) for their depositions; And if defense counsel will facilitate the Witnesses’ appearances, the Court to deem sufficient service of deposition subpoenas for the Witnesses by the undersigned emailing deposition subpoenas for the Witnesses to defense counsel;
- iii.) If defense counsel will not facilitate the Witnesses’ appearances, Plaintiff respectfully requests that the Court deem that Plaintiff has satisfied service of and defense counsel has accepted service of deposition subpoenas for George Tsolas and Surinder Singh by serving same upon counsel via email, as on July 8, 2025, defense counsel emailed the undersigned the following in response to the undersigned issuing deposition subpoenas:

Mr. Tsolas and Mr. Singh, as current employees “are considered ‘parties’ for purposes of Rules of Professional Conduct and, as such, may be contacted through our office

Philadelphia Office: 1628 Pine Street, Philadelphia, PA 19103 | (215) 391-4790
Miami Office: 100 SE 2nd Street, Suite 2000, Miami, FL 33131 | (305) 946-1884
New York City Office: 450 7th Avenue, 30th Floor, New York, NY 10123 | (212) 587-0760
Los Angeles Office: 633 West 5th Street, Suite 3250, Los Angeles, CA 90071 | (310) 602-6050

as counsel to J&N. For the avoidance of any confusion, we do not consent to your directly contacting J&N's foregoing current employees." Exhibit A, p. 3-4.

Supplemental Discovery Responses and Unredacted Documents:

By way of background, on March 5, 2025, the undersigned served Plaintiff's discovery requests upon Defendant J&N. On May 11, 2025, the undersigned filed a motion to compel Defendant J&N's discovery responses, as Defendant J&N wholly failed to respond to Plaintiff's requests in a timely fashion. Dkt #49. On May 12, 2025, the Court Ordered the Parties to meet and confer. Dkt# 50. On May 16, 2025, Defendant J&N served their discovery responses, which were deficient. On May 19, 2025, the undersigned sent a deficiency letter to defense counsel. Around late May 2025, the undersigned and defense counsel met and conferred and agreed that defense counsel would submit supplemental responses to address some of the deficiencies the undersigned identified. The undersigned spoke with defense counsel on multiple occasions seeking J&N's supplemental responses without meaningful response. Accordingly, on June 26, 2025, the Parties made a joint request to extend the discovery schedule to allow Defendant J&N to submit their supplement responses, which the Court Granted. Dkt# 52.

The undersigned has inquired multiple times with defense counsel regarding the agreed-to supplemental production. Exhibit A, p. 1-2, Exhibit B, p. 1. To date, Defendant J&N has failed to provide supplemental responses or even a date on when they will be submitted, greatly prejudicing Plaintiff. Accordingly, Plaintiff respectfully requests that the Court Order Defendant J&N to submit their supplemental responses by or before July 21, 2025, so the case can proceed.

Additionally, Defendant J&N improperly redacted portions of their document production without any asserted privilege or justification to do so. Exhibit C. On July 10, 2025, the undersigned requested defense counsel to produce the unredacted documents, and defense counsel has failed to respond. Exhibit A. Accordingly, Plaintiff also respectfully requests the Court Order Defendant J&N to produce the unredacted documents by or before July 18, 2025.

Facilitating the Appearance of The Witnesses For Their Depositions And Deeming Service of Deposition Subpoenas Sufficient Via Email To Defense Counsel

On March 6, 2025, Plaintiff served a notice of depositions for George Tsolas and Sukhwinder Kumar.¹ On March 6, 2025, defense counsel rejected the notice of deposition

¹ At this time, Plaintiff had not noticed a deposition for Surinder Singh.

asserting that Tsolas and Kumar were not officers, directors, or managing agents of J&N, but that defense counsel is “willing to work with [the undersigned’s] office to facilitate the depositions [of Mr. Kumar and/or Mr. Tsolas], to the extent we are able to do so” **Exhibit D, p. 2**. The undersigned has inquired repeatedly as to whether defense counsel will facilitate depositions of the Witnesses to conserve resources. **Exhibits A & B**. To date, defense counsel has still not confirmed if she will facilitate the Witnesses’ appearance, nor will defense counsel provide basic address information of Mr. Tsolas’s and Mr. Singh’s² addresses for Plaintiff to issue subpoenas. **Id.** As stated above, defense counsel has explicitly instructed the undersigned to not contact Mr. Tsolas and Mr. Singh, but rather contact defense counsel on their behalf. However, defense counsel has not confirmed if she will accept service of deposition subpoenas on Mr. Tsolas’s and Mr. Singh’s behalf (**Exhibit A, p. 2**), leaving the undersigned in limbo when the undersigned is diligently trying to schedule depositions to move this case forward expeditiously within the Court’s set discovery schedule.

Accordingly, Plaintiff respectfully requests that the Court Order defense counsel to inform the undersigned by or before July 18, 2025, if they will facilitate the appearance of the Witnesses for their depositions, and if so, deem sufficient service for the undersigned to email deposition subpoenas for the Witnesses to defense counsel. Should defense counsel decline to facilitate these depositions, Plaintiff respectfully requests the Court deem sufficient service of deposition subpoenas for George Tsolas and Surinder Singh, current employees of Defendant J&N, by the undersigned emailing deposition subpoenas for these individuals to defense counsel as defense counsel has instructed Plaintiff’s counsel to not contact the witnesses directly.

We thank the Court for its time and attention to this matter.

Sincerely,

DEREK SMITH LAW GROUP, PLLC



Johnmack Cohen, Esq.
450 7th Avenue, Floor 30,
New York, NY 10123
(212) 587-0760

² Defense counsel has provided the address of Sukhwinder Kumar because he is no longer an employee of Defendant J&N.

Application DENIED without prejudice.

Discovery disputes must be raised in a manner consistent with Rule 3(B) of the Undersigned's Individual Practices in Civil Cases. Any party wishing to raise a discovery dispute with the Court must first meet and confer in good faith with the opposing party, in person or by telephone, in an effort to resolve the dispute. If this process fails and the Court's intervention is required, the parties must jointly call Chambers to hold a joint teleconference with the Court for prompt resolution of the dispute. The parties should email the Undersigned's Chambers inbox requesting the Court's contact information; mark the Re line of the email "Discovery Dispute." The Court will determine during the teleconference whether written submissions will be required. Parties should not make written submissions regarding discovery disputes absent Court permission.

The Court notes that the bickering in the parties' email responses that were attached to this request tend to veer toward the unprofessional in a manner unbecoming the experienced and competent counsel who are appearing in this matter. The Court expects counsel to work together professionally and collegially in the future.

A referral will be entered to Magistrate Judge Aaron for future discovery disputes by separate order.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni".

7/14/25

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE



Re: Johnson/J&N Construction

From Johnmack <johnmack@dereksmithlaw.com>

Date Thu 7/10/2025 9:52 AM

To Danielle Mietus <DMietus@meltzerlippe.com>

Cc Ana Getiashvili <AGetiashvili@meltzerlippe.com>; Katie Jacobs <katie@dereksmithlaw.com>

Danielle,

Please advise on these points. Additionally, you have made improper redactions to the document production without asserting any privilege. The redactions you made to email addresses to relevant witnesses and other items are improper. That needs to be rectified immediately.

If I do not hear back from you by the end of the week on the items below, I will send out subpoenas for George Tsolas and Surinder Singh and I will have to seek judicial intervention for a Court Order setting a date for your supplemental production and unredacted documents. I am doing my best to be courteous here. We have been going back and forth on this for a significant period of time now and it needs to be addressed. Thank you.

Regards,

Johnmack Cohen, Esq.

*Admitted NY,NJ

DEREK SMITH LAW GROUP, PLLC

Sexual Harassment and Discrimination Lawyers

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From: Johnmack <johnmack@dereksmithlaw.com>

Sent: Wednesday, July 9, 2025 1:34 PM

To: Danielle Mietus <DMietus@meltzerlippe.com>

Cc: Ana Getiashvili <AGetiashvili@meltzerlippe.com>; Katie Jacobs <katie@dereksmithlaw.com>

Subject: Re: Johnson/J&N Construction

Danielle,

Please advise on two points:

- 1.) Will you officially accept service of these deposition subpoenas as to Mr. Tsolas, Mr. Surinder Singh?
- 2.) Perhaps, you can respond and let me know if you will facilitate the appearance of Tsolas, Surinder and Sukhwinder for their depositions so I can avoid sending out a subpoena as to Sukhwinder.
- 3.) When will you be sending the supplemental discovery responses. It has been months on this and we will not get another discovery extension.

I would appreciate a timely response this week so we can get this case on track and avoid further judicial intervention. Thank you.

Regards,

Johnmack Cohen, Esq.

*Admitted NY,NJ

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From: Johnmack <johnmack@dereksmithlaw.com>

Sent: Tuesday, July 8, 2025 6:32 PM

To: Danielle Mietus <DMietus@meltzerlippe.com>

Cc: Ana Getiashvili <AGetiashvili@meltzerlippe.com>; Katie Jacobs <katie@dereksmithlaw.com>

Subject: Re: Johnson/J&N Construction

Hi Danielle,

Please see attached for deposition subpoenas for Mr. Banks, Mr. Tsolas, Ms. Perdomo, Mr. Kumar, Mr. Surinder Singh and a deposition notice for Mr. Sandeep Singh. Tomorrow morning, we will be sending these subpoenas out for service as to Mr. Banks, Mr. Kumar, and Ms. Perdomo, as you have indicated they do not work for your client.

As to Mr. Tsolas and Mr. Singh, you have represented that they work for your client and are only to be communicated through counsel. Therefore, please serve the deposition subpoenas upon them and they are considered served.

Lastly, we have issued a deposition notice for Sandeep Singh as he is the CEO of your client and must appear.

Thank you.

Regards,

Johnmack Cohen, Esq.

*Admitted NY,NJ

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From: Danielle Mietus <DMietus@meltzerlippe.com>

Sent: Tuesday, July 8, 2025 12:35 PM

To: Johnmack <johnmack@dereksmithlaw.com>

Cc: Ana Getiashvili <AGetiashvili@meltzerlippe.com>; Katie Jacobs <katie@dereksmithlaw.com>

Subject: RE: Johnson/J&N Construction

Johnmack:

J&N does not have any "files" regarding Ebubedike Banks and Jasmine Perdomo who agents and/or employees of Local 79. Again, Mr. Banks and Ms. Perdomo are not affiliated in any manner with J&N. That being said, you already have Local 79's business address given the service of your prior subpoena. To the extent you wish to obtain a more specific address for Mr. Banks and/or Ms. Perdomo, Plaintiff - - as a member of Local 79 - - is in possession, custody, and/or control of said information.

Next, as noted below, Sandeep Singh, Surinder Singh, and George Tsolas are current employees of J&N and can be contacted via the undersigned. Sandeep Singh, Surinder Singh, and George Tsolas are not parties in this action and have legitimate privacy interests with respect to their information. However, they are considered “parties” for purposes of Rules of Professional Conduct and, as such, may be contacted through our office as counsel to J&N. For the avoidance of any confusion, we do not consent to your directly contacting J&N’s foregoing current employees.

Lastly, while we understand your desire to “move this matter forward,” we cannot advise you of our client’s response regarding facilitating your subpoenas until we in fact receive same. As noted in my below email, I am still awaiting J&N’s advisement as to whether we have authority to facilitate the depositions of Mr. Kumar and/or Mr. Tsolas including delivery of Plaintiff’s subpoenas to the witnesses, scheduling, and attendance. We hope to receive J&N’s response soon and I will advise once I have received same. If you wish to propose deposition dates in the interim you may do so and I will confer with our client regarding said dates.

Danielle E. Mietus, Esq.
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Mineola, NY 11501
Phone 516-747-0300 Ext. 341
DMietus@meltzerlippe.com
www.meltzerlippe.com

New York City
70 East 55th Street, 19th Floor,
New York, New York 10022



Long Island | NYC | Boca Raton | Miami

From: Johnmack <johnmack@dereksmithlaw.com>
Sent: Monday, July 7, 2025 6:52 PM
To: Danielle Mietus <DMietus@meltzerlippe.com>
Cc: Ana Getiashvili <AGetiashvili@meltzerlippe.com>; Katie Jacobs <katie@dereksmithlaw.com>
Subject: Re: Johnson/J&N Construction

EXTERNAL EMAIL

Mr. Singh's address** I see that you provided Mr. Kumar's. Please let us know by noon tomorrow if you agree to facilitate their depositions and we can schedule mutually agreeable dates. It will streamline things and conserve resources for all. Thank you.

Regards,

Johnmack Cohen, Esq.

*Admitted NY,NJ

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From: Johnmack <johnmack@dereksmithlaw.com>

Sent: Monday, July 7, 2025 6:22 PM

To: Danielle Mietus <DMietus@meltzerlippe.com>

Cc: Ana Getiashvili <agetashvili@meltzerlippe.com>; Katie Jacobs <katie@dereksmithlaw.com>

Subject: Re: Johnson/J&N Construction

Danielle,

Please provide the last known address on file for Mr. Banks and Ms. Perdomo, should your client have it. If they do not have that information, please indicate so.

Additionally, I cannot wait any longer as to whether you will facilitate the depositions of Mr. Kumar and Mr. Tsolas. You have not even provided a timetable on when you can provide a substantive response to this inquiry. Please provide their addresses so we can issue subpoenas. Their addresses should have been provided in a 26(a) and in response to Interrogatory 1. I will seek judicial intervention if I do not receive this information by noon tomorrow as previously indicated. I need to move this matter forward properly. Thank you.

Regards,

Johnmack Cohen, Esq.

*Admitted NY,NJ

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From: Danielle Mietus <DMietus@meltzerlippe.com>

Sent: Monday, July 7, 2025 6:12 PM

To: Johnmack <johnmack@dereksmithlaw.com>

Cc: Ana Getiashvili <AGetiashvili@meltzerlippe.com>; Katie Jacobs <katie@dereksmithlaw.com>

Subject: RE: Johnson/J&N Construction

Johnmack,

Regarding your proposed deponents Ebubedike Banks and Jasmine Perdomo, as we have previously advised we have no authority to accept either Plaintiff's deposition notices or subpoenas for said individuals who, at no point in time, were employees, agents, or otherwise affiliated with J&N. Rather, at all times relevant to Plaintiff's claims, Mr. Banks and Ms. Perdomo were affiliated with Plaintiff's Union, Local 79. If Plaintiff wishes to depose Mr. Banks and/or Ms. Perdomo, appropriate subpoenas will need to be issued. Next, as Sandeep Singh, Surinder Singh, and George Tsolas are current employees of J&N, please be advised can be contacted via the undersigned. Sukhwinder Kumar's last known address is 103 Decker Street, Valley Stream, New York 11580. That being said, I am still awaiting J&N's advisement as to whether we have authority to facilitate the depositions of Mr. Kumar and/or Mr. Tsolas including delivery of Plaintiff's subpoenas to the witnesses, scheduling, and attendance. We hope to receive J&N's response soon and I will advise once I have received same.

Danielle E. Mietus, Esq.
Meltzer, Lippe, Goldstein & Breitstone, LLP
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New York, New York 10022



From: Johnmack <johnmack@dereksmithlaw.com>

Sent: Monday, July 7, 2025 8:44 AM

To: Danielle Mietus <DMietus@meltzerlippe.com>

Cc: Ana Getiashvili <AGetiashvili@meltzerlippe.com>; Katie Jacobs <katie@dereksmithlaw.com>

Subject: Johnson/J&N Construction

Importance: High

EXTERNAL EMAIL

Hello Danielle,

Hope you had a nice holiday weekend. Please provide the address and telephone number of the individuals below. We are issuing deposition subpoenas this week since you have not responded to me as to whether or not you would facilitate their appearances.

Additionally, this information should have been provided in response to Plaintiff's Interrogatory 1 (see definitions section, paragraph 10) and FRCP 26(a). I also do not recall you serving a 26(a).

This information is easily accessible to your client and is overdue. Accordingly, please provide this information by noon tomorrow or I will have to seek judicial intervention. We need to be proactive about moving this case forward as the Court will not extend discovery again. I hope that we can work together positively to conserve resources and proceed efficiently. Thank you.

GEORGE TSOLAS
SUKHWINDER KUMAR
SANDEEP SINGH
SURINDER SINGH
EBUBEDIKE BANKS
JASMINE PERDOMO

Regards,

Johnmack Cohen, Esq.

*Admitted NY,NJ

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Re: johnson/j&n discovery extension request

From Johnmack <johnmack@dereksmithlaw.com>

Date Thu 6/26/2025 10:24 AM

To Danielle Mietus <DMietus@meltzerlippe.com>

Cc Ana Getiashvili <agetiashvili@meltzerlippe.com>; Katie Jacobs <katie@dereksmithlaw.com>

Danielle,

Respectfully, you are grossly mischaracterizing my communications, and I have not made misrepresentations. The emails speak for themselves. I am simply being diligent in trying to move this case forward, despite multiple delays on your end. At all times, I have been professional and extended multiple courtesies to you. Let's move forward cordially and positively.

Also, in terms of logistics:

- 1.) Please advise by the end of this week if you will facilitate the appearance of George Tsolas and Sukwinder Kumar for their depositions on July 11th. We can move this date if the Judge grants our extension request.
- 2.) Please advise if you will facilitate the appearance of the other individuals identified on my notice of deposition and I can propose certain dates. Again, we can move the dates if the Judge grants our extension request.
- 3.) Please advise when you will provide the outstanding supplemental responses so we can have a clear path going forward.
- 4.) I am taking Sandeep Sing's deposition on June 30th, beginning at 1pm, should the Court not grant our extension request by then. He is the CEO of the company and has been properly noticed. I will send you a zoom link tomorrow.

Thank you.

Regards,

Johnmack Cohen, Esq.

*Admitted NY,NJ

DEREK SMITH LAW GROUP, PLLC

Sexual Harassment and Discrimination Lawyers

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From: Danielle Mietus <DMietus@meltzerlippe.com>
Sent: Wednesday, June 25, 2025 5:51 PM
To: Johnmack <johnmack@dereksmithlaw.com>
Cc: Ana Getiashvili <AGetiashvili@meltzerlippe.com>
Subject: RE: johnson/j&n discovery extension request

Johnmack,

When we spoke at 11:00 a.m. this morning, I specifically advised you that I hoped to provide you with our revisions to the joint letter in a few hours but if I could not do so within that time period, I would provide you our revisions by the end of the today. Notwithstanding my prior emails to you regarding your misrepresentations of my statements during our conversations, you have continued to engage in the same conduct as demonstrated by your below email which, again, misrepresents what I in fact conveyed to you during our earlier call. Your repeated misrepresentations, aggressive tone of your emails, continuous unilateral imposition deadlines and demand for expedited responses have not gone unnoticed. We believe your actions are unreasonable, inappropriate, and inconsistent with the expectations of cooperation and courtesy expected of counsel practicing in this District. Said conduct will no longer be tolerated, and I will not comment further on this issue.

Attached please find the joint letter containing our tracked revisions. If same is acceptable, you may finalize and file the letter. To the extent you have any further revisions, please provide same for our review and comment.

Danielle E. Mietus, Esq.
Meltzer, Lippe, Goldstein & Breitstone, LLP
190 Willis Ave
Mineola, NY 11501
Phone 516-747-0300 Ext. 341
DMietus@meltzerlippe.com
www.meltzerlippe.com

New York City
70 East 55th Street, 19th Floor,
New York, New York 10022



From: Johnmack <johnmack@dereksmithlaw.com>

Sent: Wednesday, June 25, 2025 5:17 PM

To: Ana Getiashvili <AGetiashvili@meltzerlippe.com>; Danielle Mietus <DMietus@meltzerlippe.com>

Subject: Re: johnson/j&n discovery extension request

EXTERNAL EMAIL

I appreciate that, Ana. This was not any sort of threat but simply an update as we need to file an extension request with the Judge and Danielle informed me that we would do so today. This matter is very time sensitive, and I had not heard back from Danielle so I added you to the email. I am being courteous and doing my best to iron things out without judicial intervention, but I need a bit more responsiveness.

Going forward, I will copy you on all communications so you are up to speed on things. Hopefully, we can streamline this case and move things forward.

I look forward to hearing from you and/or Danielle on this today so we can file the letter before the Courthouse opens tomorrow. Thank you.

Regards,

Johnmack Cohen, Esq.

*Admitted NY,NJ

DEREK SMITH LAW GROUP, PLLC

Sexual Harassment and Discrimination Lawyers

Toll Free [\(800\) 807-2209](tel:800-807-2209) | Direct Tel: [\(332\) 910-5672](tel:332-910-5672)

NYC Office: The Nelson Tower 450 Seventh Avenue, 30th Floor, New York, New York 10123

Email: johnmack@dereksmithlaw.com

www.discriminationandsexualharassmentlawyers.com

New York | New Jersey | Philadelphia | Miami | Los Angeles | San Francisco | San Diego | Washington D.C.



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From: Ana Getiashvili <AGetiashvili@meltzerlippe.com>
Sent: Wednesday, June 25, 2025 5:07 PM
To: Johnmack <johnmack@dereksmithlaw.com>; Danielle Mietus <DMietus@meltzerlippe.com>
Subject: RE: johnson/j&n discovery extension request

Johnmack,

This is the second time you are including me in an email to my colleague where you are threatening to take certain actions. Please note that I do not appreciate your tactic – either include me in all emails or none of them. Danielle is an extremely seasoned and experienced attorney who has worked in the labor and employment field for many years on both sides of the isle. She has complete autonomy to litigate her cases as she deems appropriate and without my supervision. I trust the two of you can work out all your issues as professional litigators and I do not need to be involved in that process. Thanks.

Ana Getiashvili, Esq.
Meltzer, Lippe, Goldstein & Breitstone, LLP
190 Willis Ave
Mineola, NY 11501
Phone 516-747-0300 Ext. 174
Fax 516-237-2893
www.meltzerlippe.com

New York City Office:
70 East 55th Street – 19th Floor
New York, NY 10022
Phone 212-201-1720



Long Island | NYC | Boca Raton | Miami

From: Johnmack <johnmack@dereksmithlaw.com>
Sent: Wednesday, June 25, 2025 4:23 PM
To: Danielle Mietus <DMietus@meltzerlippe.com>; Ana Getiashvili <AGetiashvili@meltzerlippe.com>
Subject: Re: johnson/j&n discovery extension request

EXTERNAL EMAIL

Danielle,

I will have to file a letter unilaterally first thing tomorrow morning if I do not hear back from you on this. When we spoke this morning, you indicated that you would edit the joint letter within a few hours-- we are approaching the Courthouse closing. Please get back to me.

Additionally, as another courtesy, I have canceled tomorrow's deposition scheduled with George Tsolas and Sukwinder Kumar. Pursuant to your March 6th email, please advise if you can facilitate the appearance of Mr. Tsolas and Mr. Kumar for a deposition on July 7, 8, or 10. I can take both depositions in one day if that is easiest on your end. Please let me know by the end of the week. We can set this deposition date tentatively and see what the Court does with our extension request.

Moreover Sandeep Singh, whose deposition I noticed for June 30th, is the CEO of the company such that he will have to appear if we do not have an extension in place.

Thank you.

Regards,

Johnmack Cohen, Esq.

*Admitted NY,NJ

DEREK SMITH LAW GROUP, PLLC

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From: Johnmack <johnmack@dereksmithlaw.com>
Sent: Wednesday, June 25, 2025 1:56 PM
To: Danielle Mietus <dmietus@meltzerlippe.com>
Subject: Re: johnson/j&n discovery extension request

Danielle—we should get this on the docket soon before the Court closes. Can you send it to me shortly? Thx.

Regards,

Johnmack Cohen, Esq.

*Admitted NY,NJ

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Sexual Harassment and Discrimination Lawyers

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From: Johnmack <johnmack@dereksmithlaw.com>
Sent: Wednesday, June 25, 2025 11:08 AM
To: Danielle Mietus <dmietus@meltzerlippe.com>
Subject: johnson/j&n discovery extension request

Regards,

Johnmack Cohen, Esq.

*Admitted NY,NJ

DEREK SMITH LAW GROUP, PLLC

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recipient, you are hereby notified that any dissemination or distribution of this communication to other than the intended recipient is strictly prohibited. If you have received this communication in error, please notify us immediately by calling (516) 747-0300 or by electronic mail (info@meltzerlippe.com). Thank you.

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This email has been scanned for email related threats and delivered safely by Mimecast.

For more information please visit <http://www.mimecast.com>

From: JACKSON, NEIL
Date: Fri, Jan 12, 2024, 1:28 PM
Subject: 163M Altercation On Site
To: George Tsolas
Cc: jigar
jimmy
KELLY, EDWARD

Vishwas Patel
Sukhwinder Kumar

Good Afternoon George,

Thank you for providing an update on the incident that transpired at 163M. The SCA has a zero-tolerance policy regarding violence and threats on our jobsites. Your immediate response is appreciated and supported. I will contact the school regarding corrective measures taken to continue to make the jobsite safe for all during the duration of this project.

Effective immediately all parties involved are to be removed from the site, this is non-negotiable. If there are any questions, contact SPO Ed Kelly

Thank you,

Neil Jackson

Project Officer CM Manhattan

NYC School Construction Authority

30-30 Thomson Avenue 4th FL LIC, NY 11101

CONFIDENTIAL

ER000057

PS 163 altercation

1 message

George Tsolas

Wed, Jan 17, 2024 at 1:22 PM

To: Surinder Singh

Sandeep Singh

J&N Vishwas Patel

There was an altercation at PS 163 on January the 11th around 5:00 p.m. in this altercation begin with Luis and Roy starting an argument. After the argument between Luis and Roy began at some point William came into the altercation to help out. As far as the argument continued people said different things they got loud and there was parents present picking up their kids. All this happened on the west entrance of a staging area where the trailers are. After a while they moved into our station area and continue the argument about 20 yards away from the West side closer to the east side entrance of our station area. At that point they started the altercation again things were said there's a video out there with Roy saying a lot of bad things. After that application was finished about 15 minutes later they started another altercation between Roy and William at the same spot on the east side I lost station area Jimmy was present for this one so was I I got involved right away once this started and I stopped it with a few words that is the point where I found out there was on other altercation earlier where I wasn't present. So at that point I started beginning digging into what happened to figure out what's going on I started first talking to all parties that were involved to try to figure out what's going on as usual everybody was blaming the other person nobody was blaming themselves. So because this was the case we contacted 79 laborers representative and PCC Representatives. About an hour and a half after contacting the 79 representative change of the job site we started a conversation about what happened and we started calling in witnesses to this altercation and we spoke to the witnesses everybody agreed that Roy was the worst out of them all but at the same time that Lewis and William were involved in this and was said that Williams got heated also again not as bad as Roy. At the time we were doing the investigation I was going in and out because I had work going on so I had to do my duty out on the job site at some point during the night I got information that one of the parents is going to make a complaint about what happened and they heard something about a gun. When I did get that information I shared it with the 79 representative and I share it with Roy explaining to them that this is going to be a big issue and we will have to wait for tomorrow to see an email or phone call we're going to receive from the school Representatives. So the next day we got contacted by our po Neil she directly called jigar on the phone after a few minutes to go called me and asked me what's going on I explained it to him and he asked me to call Neil to go over the incident. So then I called Neil we spoke on the phone about 20 seconds he told me he was in a meeting and he would call me back in a few minutes Neil calls me back in a few minutes and we discussed about what happened in the incident. he asked me how many people were involved in the incident. So I have to give him an honest response that was three people involved in the incident I did not in any time saying names but just said that there's three people involved in the incident. And a few words he was very upset in the school that there was a mention of a gun in an incident on the job site and I promised him we will take care of it we will do whatever has to be done after the conversation was done we hanged up. About 15-20 minutes later I received an email from Neil saying that all parties involved in the incident will be removed from sight and they will not be allowed back negotiating on this is not going to happen because the school has a zero tolerance of violence in school property. So at this time I could not argue with him so I made sure that all three parties will be off site and will not be allowed on site on Friday.

CONFIDENTIAL

ER000058

[REDACTED]

From: **Jasmine Perdomo** [REDACTED]
Date: Tue, Feb 6, 2024 at 12:03 PM
Subject: RE: Ps 163M shop steward
To: <[surinder](#)> [REDACTED]

Good Afternoon

I have a conference call with our attorney today to discuss. I will get back to you later today to hopefully discuss and resolve

Thank you
Jasmine

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: [REDACTED] (Surinder Singh)" [REDACTED]
Date: 2/5/24 5:53 PM (GMT-05:00)
To: Jasmine Perdomo [REDACTED]
Cc: [jimmy](#) [REDACTED] Jigar Shah [REDACTED]
Subject: Re: Ps 163M shop steward

From : [REDACTED] (Surinder Singh) [REDACTED]
To : Jasmine Perdomo [REDACTED]
Cc : [jimmy](#) [REDACTED] Jigar Shah [REDACTED]
Date : Monday, February 5 2024 17:53:41

CONFIDENTIAL

Good afternoon Jasmine,

I wanted to follow up on this matter to see if there were any updates?

Thank you

On Thu, Jan 25, 2024 at 12:11 PM Jasmine Perdomo [REDACTED] wrote:

I will let you know how we decide to proceed

From: [REDACTED] (Surinder Singh) [REDACTED]
Sent: Thursday, January 25, 2024 12:09 PM
To: Jasmine Perdomo [REDACTED]
Cc: [jimmy](#) [REDACTED] Jigar Shah [REDACTED]
Subject: Re: Ps 163M shop steward

And we have witnesses that state otherwise. So let's come to a conclusion instead of going back and forth.

On Thu, Jan 25, 2024 at 11:47 AM Jasmine Perdomo [REDACTED] wrote:

We mentioned on the conference call yesterday that the roofers stated that William Johnson was not involved in the situation. They told George the same when he arrived on site. If William Johnson would've been violent and arguing back as the PCC shop steward back we would be on the same page the issue is that William Johnson is being blamed for a part he did not play in that incident

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: [REDACTED] (Surinder Singh) [REDACTED]
Date: 1/25/24 11:42 AM (GMT-05:00)
To: Jasmine Perdomo [REDACTED]
Cc: [jimmy](#) [REDACTED] Jigar Shah [REDACTED]
Subject: Re: Ps 163M shop steward

From : [REDACTED] (Surinder Singh) [REDACTED]
To : Jasmine Perdomo [REDACTED]
Cc : [jimmy](#) [REDACTED] Jigar Shah [REDACTED]
Date : Thursday, January 25 2024 11:42:08

If Banks discovered additional facts, those could've been discussed. But we never refused to have a shop steward on the jobsite. In any case, we will wait to hear back from you.

Thank you

On Thu, Jan 25, 2024 at 11:34 AM Jasmine Perdomo [REDACTED] wrote:

The issue is that there is a protocol to when it comes to the removal of a shop steward and we have to follow protocol to protect the union and in turn the contractor. Our Business Agents spoke with witnesses on the jobsite (2 of which were roofers if I'm not mistaken) and they said it was the Local 1 shop steward in fact when the incident started William Johnson was in the trailer from what I am being told. I will discuss this with my boss and our attorney as well and will let you know our final decision on how we will proceed but in the meanwhile I will send out the step letters but will hold off on sending it to the Arbitrator until we have had further discussions. If I don't get back to you by tomorrow I will do so by early next week.

In the meanwhile a new shop steward is being dispatched to the job site Banks should be reaching out to someone regarding this.

Thank you

Jasmine

From: [REDACTED] (Surinder Singh) [REDACTED]

Sent: Thursday, January 25, 2024 11:26 AM

To: Jasmine Perdomo [REDACTED]

Cc: jimmy [REDACTED] Jigar Shah [REDACTED]

Subject: Re: Ps 163M shop steward

Good morning,

We will forward this to our attorney. For the record, the owner and the building occupant requested workers involved in the incident that took place on 1/11/2024 to be removed effective immediately. Since Mr. William Johnson was part of this incident, Hence we requested the shop steward to be replaced per directions of SCA. Moreover we even offered him to be switched with one of our other jobsite so Mr. Johnson is not unemployed. Both options were rejected by Local 79 despite Mr. Johson's consent for the switch. We can certainly get into the details in the arbitration or we can come to an agreement. Let me know your thoughts.

Thank you

On Thu, Jan 25, 2024 at 11:15 AM Jasmine Perdomo [REDACTED] wrote:

Good Morning

For your records attached is the copy of the step letter being mailed to your office and to the BCA to begin the arbitration process. The Intent to Arbitration notice will be sent to you by the Attorney and once the arbitrator has scheduled the date and time of the arbitration the Arbitrator will send the notice to the company's attention.

If Banks discovered additional facts, those could've been discussed. But we never refused to have a shop steward on the jobsite. In any case, we will wait to hear back from you.

Thank you

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Jasmine

From: [REDACTED] (Surinder Singh) [REDACTED]

Sent: Thursday, January 25, 2024 11:26 AM

To: Jasmine Perdomo [REDACTED]

Cc: jimmy [REDACTED] Jigar Shah [REDACTED]

Subject: Re: Ps 163M shop steward

Good morning,

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Thank you

Jasmine

From: [REDACTED] (Surinder Singh) [REDACTED]
Sent: Wednesday, January 24, 2024 2:40 PM
To: Jasmine Perdomo [REDACTED]
Cc: Ebubedike Banks [REDACTED] Jigar Shah [REDACTED]
Subject: Re: Ps 163M shop steward

Ok.

On Wed, Jan 24, 2024 at 12:05 PM Jasmine Perdomo [REDACTED] wrote:

Good Afternoon

Banks and myself will be together at the office for the conference call you can give him a call on his cell phone [REDACTED] at 3 pm.

Jasmine Perdomo

From: [REDACTED] (Surinder Singh) [REDACTED]
Sent: Wednesday, January 24, 2024 10:09 AM
To: Ebubedike Banks [REDACTED]
Cc: Jasmine Perdomo [REDACTED] Jigar Shah [REDACTED]
Subject: Re: Ps 163M shop steward

Ed,

Kindly send an invite so we know where to call.

Thank you

On Wed, Jan 24, 2024 at 10:00 AM Ebubedike Banks [REDACTED] wrote:

We're available for a conference call at 3pm this afternoon. On the call will be Jasmine Perdomo, Grievance Director at Local 79 and Business Agent Ebubedike Banks.

Sent from my Verizon, Samsung Galaxy smartphone

--

Surinder Singh

Project Manager

CONFIDENTIAL

PS 163 altercation

1 message

George Tsolas

Wed, Jan 17, 2024 at 1:22 PM

To: Surinder Singh

Sandeep Singh

J&N Vishwas Patel

There was an altercation at PS 163 on January the 11th around 5:00 p.m. in this altercation begin with Luis and Roy starting an argument. After the argument between Luis and Roy began at some point William came into the altercation to help out. As far as the argument continued people said different things they got loud and there was parents present picking up their kids. All this happened on the west entrance of a staging area where the trailers are. After a while they moved into our station area and continue the argument about 20 yards away from the West side closer to the east side entrance of our station area. At that point they started the altercation again things were said there's a video out there with Roy saying a lot of bad things. After that application was finished about 15 minutes later they started another altercation between Roy and William at the same spot on the east side I lost station area Jimmy was present for this one so was I I got involved right away once this started and I stopped it with a few words that is the point where I found out there was on other altercation earlier where I wasn't present. So at that point I started beginning digging into what happened to figure out what's going on I started first talking to all parties that were involved to try to figure out what's going on as usual everybody was blaming the other person nobody was blaming themselves. So because this was the case we contacted 79 laborers representative and PCC Representatives. About an hour and a half after contacting the 79 representative change of the job site we started a conversation about what happened and we started calling in witnesses to this altercation and we spoke to the witnesses everybody agreed that Roy was the worst out of them all but at the same time that Lewis and William were involved in this and was said that Williams got heated also again not as bad as Roy. At the time we were doing the investigation I was going in and out because I had work going on so I had to do my duty out on the job site at some point during the night I got information that one of the parents is going to make a complaint about what happened and they heard something about a gun. When I did get that information I shared it with the 79 representative and I share it with Roy explaining to them that this is going to be a big issue and we will have to wait for tomorrow to see an email or phone call we're going to receive from the school Representatives. So the next day we got contacted by our po Neil she directly called jigar on the phone after a few minutes to go called me and asked me what's going on I explained it to him and he asked me to call Neil to go over the incident. So then I called Neil we spoke on the phone about 20 seconds he told me he was in a meeting and he would call me back in a few minutes Neil calls me back in a few minutes and we discussed about what happened in the incident. he asked me how many people were involved in the incident. So I have to give him an honest response that was three people involved in the incident I did not in any time saying names but just said that there's three people involved in the incident. And a few words he was very upset in the school that there was a mention of a gun in an incident on the job site and I promised him we will take care of it we will do whatever has to be done after the conversation was done we hanged up. About 15-20 minutes later I received an email from Neil saying that all parties involved in the incident will be removed from sight and they will not be allowed back negotiating on this is not going to happen because the school has a zero tolerance of violence in school property. So at this time I could not argue with him so I made sure that all three parties will be off site and will not be allowed on site on Friday.

CONFIDENTIAL

ER000009

Exhibit C

From: JACKSON, NEIL

Date: Fri, Jan 12, 2024, 1:28 PM

Subject: 163M Altercation On Site

To: George Tsolas

Cc: jigar

jimmy

Vishwas Patel

Sukhwinder Kumar

KELLY, EDWARD

Good Afternoon George,

Thank you for providing an update on the incident that transpired at 163M. The SCA has a zero-tolerance policy regarding violence and threats on our jobsites. Your immediate response is appreciated and supported. I will contact the school regarding corrective measures taken to continue to make the jobsite safe for all during the duration of this project.

Effective immediately all parties involved are to be removed from the site, this is non-negotiable. If there are any questions, contact SPO Ed Kelly

Thank you,

Neil Jackson

Project Officer CM Manhattan

NYC School Construction Authority

30-30 Thomson Avenue 4th FL LIC, NY 11101

CONFIDENTIAL

ER000010

Exhibit D

[REDACTED]

From: **Jasmine Perdomo** [REDACTED]
Date: Tue, Feb 6, 2024 at 12:03 PM
Subject: RE: Ps 163M shop steward
To: <[surinder](#)> [REDACTED]

Good Afternoon

I have a conference call with our attorney today to discuss. I will get back to you later today to hopefully discuss and resolve

Thank you
Jasmine

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: [REDACTED] (Surinder Singh)" [REDACTED]
Date: 2/5/24 5:53 PM (GMT-05:00)
To: Jasmine Perdomo [REDACTED]
Cc: [jimmy](#) [REDACTED] Jigar Shah [REDACTED]
Subject: Re: Ps 163M shop steward

From : [REDACTED] (Surinder Singh) [REDACTED]
To : Jasmine Perdomo [REDACTED]
Cc : [jimmy](#) [REDACTED] Jigar Shah [REDACTED]
Date : Monday, February 5 2024 17:53:41

CONFIDENTIAL

ER000011

CONFIDENTIAL

ER000087

Good afternoon Jasmine,

I wanted to follow up on this matter to see if there were any updates?

Thank you

On Thu, Jan 25, 2024 at 12:11 PM Jasmine Perdomo [REDACTED] wrote:

I will let you know how we decide to proceed

From: [REDACTED] (Surinder Singh) [REDACTED]
Sent: Thursday, January 25, 2024 12:09 PM
To: Jasmine Perdomo [REDACTED]
Cc: [jimmy](#) [REDACTED] Jigar Shah [REDACTED]
Subject: Re: Ps 163M shop steward

And we have witnesses that state otherwise. So let's come to a conclusion instead of going back and forth.

On Thu, Jan 25, 2024 at 11:47 AM Jasmine Perdomo [REDACTED] wrote:

We mentioned on the conference call yesterday that the roofers stated that William Johnson was not involved in the situation. They told George the same when he arrived on site. If William Johnson would've been violent and arguing back as the PCC shop steward back we would be on the same page the issue is that William Johnson is being blamed for a part he did not play in that incident

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: [REDACTED] (Surinder Singh) [REDACTED]
Date: 1/25/24 11:42 AM (GMT-05:00)
To: Jasmine Perdomo [REDACTED]
Cc: [jimmy](#) [REDACTED] Jigar Shah [REDACTED]
Subject: Re: Ps 163M shop steward

From : [REDACTED] (Surinder Singh) [REDACTED]
To : Jasmine Perdomo [REDACTED]
Cc : [jimmy](#) [REDACTED] Jigar Shah [REDACTED]
Date : Thursday, January 25 2024 11:42:08

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CONFIDENTIAL

ER000012
ER000088

If Banks discovered additional facts, those could've been discussed. But we never refused to have a shop steward on the jobsite. In any case, we will wait to hear back from you.

Thank you

On Thu, Jan 25, 2024 at 11:34 AM Jasmine Perdomo [REDACTED] wrote:

The issue is that there is a protocol to when it comes to the removal of a shop steward and we have to follow protocol to protect the union and in turn the contractor. Our Business Agents spoke with witnesses on the jobsite (2 of which were roofers if I'm not mistaken) and they said it was the Local 1 shop steward in fact when the incident started William Johnson was in the trailer from what I am being told. I will discuss this with my boss and our attorney as well and will let you know our final decision on how we will proceed but in the meanwhile I will send out the step letters but will hold off on sending it to the Arbitrator until we have had further discussions. If I don't get back to you by tomorrow I will do so by early next week.

In the meanwhile a new shop steward is being dispatched to the job site Banks should be reaching out to someone regarding this.

Thank you

Jasmine

From: [REDACTED] (Surinder Singh) [REDACTED]

Sent: Thursday, January 25, 2024 11:26 AM

To: Jasmine Perdomo [REDACTED]

Cc: jimmy [REDACTED] Jigar Shah [REDACTED]

Subject: Re: Ps 163M shop steward

Good morning,

We will forward this to our attorney. For the record, the owner and the building occupant requested workers involved in the incident that took place on 1/11/2024 to be removed effective immediately. Since Mr. William Johnson was part of this incident, Hence we requested the shop steward to be replaced per directions of SCA. Moreover we even offered him to be switched with one of our other jobsite so Mr. Johnson is not unemployed. Both options were rejected by Local 79 despite Mr. Johson's consent for the switch. We can certainly get into the details in the arbitration or we can come to an agreement. Let me know your thoughts.

Thank you

On Thu, Jan 25, 2024 at 11:15 AM Jasmine Perdomo [REDACTED] wrote:

Good Morning

For your records attached is the copy of the step letter being mailed to your office and to the BCA to begin the arbitration process. The Intent to Arbitration notice will be sent to you by the Attorney and once the arbitrator has scheduled the date and time of the arbitration the Arbitrator will send the notice to the company's attention.

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CONFIDENTIAL

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Thank you

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Sent: Thursday, January 25, 2024 11:26 AM

To: Jasmine Perdomo [REDACTED]

Cc: jimmy [REDACTED] Jigar Shah [REDACTED]

Subject: Re: Ps 163M shop steward

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ER000090

Thank you

Jasmine

From: [REDACTED] (Surinder Singh) [REDACTED]
Sent: Wednesday, January 24, 2024 2:40 PM
To: Jasmine Perdomo [REDACTED]
Cc: Ebubedike Banks [REDACTED] Jigar Shah [REDACTED]
Subject: Re: Ps 163M shop steward

Ok.

On Wed, Jan 24, 2024 at 12:05 PM Jasmine Perdomo [REDACTED] wrote:

Good Afternoon

Banks and myself will be together at the office for the conference call you can give him a call on his cell phone [REDACTED] at 3 pm.

Jasmine Perdomo

From: [REDACTED] (Surinder Singh) [REDACTED]
Sent: Wednesday, January 24, 2024 10:09 AM
To: Ebubedike Banks [REDACTED]
Cc: Jasmine Perdomo [REDACTED] Jigar Shah [REDACTED]
Subject: Re: Ps 163M shop steward

Ed,

Kindly send an invite so we know where to call.

Thank you

On Wed, Jan 24, 2024 at 10:00 AM Ebubedike Banks [REDACTED] wrote:

We're available for a conference call at 3pm this afternoon. On the call will be Jasmine Perdomo, Grievance Director at Local 79 and Business Agent Ebubedike Banks.

Sent from my Verizon, Samsung Galaxy smartphone

--

Surinder Singh

Project Manager

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ER000091



Re: Johnson/J&N et al.

From Johnmack <johnmack@dereksmithlaw.com>
Date Thu 3/6/2025 6:37 PM
To Danielle Mietus <DMietus@meltzerlippe.com>
Cc Katie Jacobs <katie@dereksmithlaw.com>

Thank you, Danielle. Understood as to Mr. Banks. Regarding Mr. Kumar and Mr. Tsolas, they are relevant witnesses and are discussed in the complaint such that they will need to be deposed. We will have to seek judicial intervention on this issue or subpoena these individuals if you are unwilling to produce them pursuant to Plaintiff's deposition notice. Additionally, the deposition dates are placeholders and can be adjusted down the road when we have a better idea of schedules and paper discovery's completion. We can continue discussing this issue in due course.

Regards,

Johnmack Cohen, Esq.

*Admitted NY,NJ

DEREK SMITH LAW GROUP, PLLC

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Email: johnmack@dereksmithlaw.com

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From: Danielle Mietus <DMietus@meltzerlippe.com>
Sent: Thursday, March 6, 2025 5:55 PM
To: Johnmack <johnmack@dereksmithlaw.com>
Cc: Katie Jacobs <katie@dereksmithlaw.com>
Subject: RE: Johnson/J&N et al.

Hi Johnmack,

My apologies for the delayed response, I did not realize my email did not send yesterday. I am confirming receipt of your below email and attachments, and that email service is acceptable. With respect to Plaintiff's deposition notice, please be advised we respectfully reject same. First, regarding proposed deponent Ebubedike Banks, please be advised we have no authority to accept Plaintiff's notice for said individual who neither was nor is an employee, agent, or otherwise affiliated with J&N. An appropriate subpoena will need to be issued if Plaintiff wishes to depose Ebubedike Banks.

Next, with respect to Sukhwinder Kumar and George Tsolas, we respectfully reject Plaintiff's notice because neither individual qualifies as an officer, director, or managing agent of the corporate Defendant in this matter and, as such, they are not subject deposition by notice pursuant to Federal Rule of Civil Procedure 30(b)(1). To the extent Plaintiff believes he can satisfy the requisite evidentiary burden for establishing said individuals are subject to deposition by notice at a later juncture, we do not object Plaintiff issuing a subsequent deposition notice(s); however, J&N *expressly* reserves all of its rights in connection therewith, including but not limited to its right to reject any future deposition notice(s). That being said, we wish to note if Plaintiff must subpoena Mr. Kumar and/or Mr. Tsolas, we are willing to work with your office to facilitate the depositions, to the extent we are able to do so, including but not limited to, delivery of same to the witness(es), scheduling, and attendance. We can further confer regarding same at the appropriate juncture.

In the meantime, should you have any questions, please do not hesitate to contact me.

With best regards,
Danielle

Danielle E. Mietus, Esq.
Meltzer, Lippe, Goldstein & Breitstone, LLP
190 Willis Ave
Mineola, NY 11501
Phone 516-747-0300 Ext. 341
DMietus@meltzerlippe.com
www.meltzerlippe.com

New York City
70 East 55th Street, 19th Floor,
New York, New York 10022



From: Johnmack <johnmack@dereksmithlaw.com>
Sent: Wednesday, March 5, 2025 12:43 PM
To: Danielle Mietus <DMietus@meltzerlippe.com>
Cc: Katie Jacobs <katie@dereksmithlaw.com>
Subject: Johnson/J&N et al.

Hi Danielle,

Please see attached for Plaintiff's first set of interrogatories, first set of document demands, notice of depositions, and initial disclosures. Please confirm this is acceptable service otherwise let me know if you would like me to send hard copies. The deposition dates are placeholders and can be adjusted as need be. I will wait for the draft joint letter from you to add/edit as needed. Thank you.

Regards,

Johnmack Cohen, Esq.

*Admitted NY,NJ

DEREK SMITH LAW GROUP, PLLC

Sexual Harassment and Discrimination Lawyers

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Email: johnmack@dereksmithlaw.com

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